

Testimony of William C. Buhl, Retired Circuit Judge
Senate Judiciary Committee Hearing February 23, 2011

On SB 188 and SB 189

My testimony will deal with general concepts, not specifics. I have 6 years experience as a prosecutor, 14 as a district judge and 22 as a circuit judge, and I have been a member of the Professional Advisory Board to the Coalition for a Useful Registry from its inception. Based on my extensive experience, and my studies of this area of the law, I make the following observations:

- I. OUR BIGGEST RISK TO OUR CHILDREN COMES FROM THOSE PREDATORS THAT HAVE YET TO BE CONVICTED. I seldom saw people with prior records for sex crimes in circuit court when they were charged with victimizing children.
- II. WE ARE PLACING OUR FAITH IN A PUBLIC REGISTRY WHEN THERE IS NO EVIDENCE THAT A PUBLIC REGISTRY PROTECTS US FROM PEOPLE WHO POSE "...A POTENTIAL SERIOUS MENACE AND DANGER TO THE HEALTH, SAFETY, MORALS, AND WELFARE OF THE PEOPLE..."¹ We have adopted a method to protect us, without any evidence that it is an effective means to keep us safe.
- III. WE ARE CONTINUALLY ADDING RESTRICTIONS ON PERSONS ON THE REGISTRY WITH NO EVIDENCE TO SUPPORT THE EFFECTIVENESS OF THOSE RESTRICTIONS. School safety zones are a good example, and Florida and Georgia have both discovered that they were over-restrictive and counter-productive. Iowa's prosecuting attorneys as a group opposed them, and suggested better alternatives.
- IV. MICHIGAN'S OVERLY BROAD REGISTRY HAS RENDERED IT USELESS, AND IT UNNECESSARILY NEGATIVELY IMPACTS ON THOUSANDS OF REGISTRANTS WHO POSE NO DANGER. Hearings before the House and Senate Judiciary Committees have demonstrated the negative unintended consequences to the lives of those we don't need on the registry, and a recent Channel 8 WoodTV special has pointed out the lack of usefulness of the current registry.
- V. FAILURE TO CLEAN UP OUR REGISTRY NOW WILL MAKE COMPLIANCE WITH THE ADAM WALSH ACT COST MORE THAN WE LOSE BY NOT COMPLYING. Why have 46 states failed to comply? Why have states like Texas had second thoughts about compliance? Every person not representing a risk, who remains on the Registry is an unnecessary expense and dilutes the Registry's usefulness.

¹ MCL 28.721a

VI. A CLEANUP OF THE REGISTRY MUST HAPPEN NOW. Badly needed changes, that have been obvious for years, never saw the light of day. Sex offenders are hot issues not easily addressed. I believe the only reason we are addressing the issues now is money. This window of opportunity will quickly close when Adam Walsh Act compliance has been achieved, and I will be very surprised if we see it open again.

For the reasons set forth, I believe that every means available, that still allows for compliance, must be implemented in this legislation, to remove as many non-threatening registrants as possible, in the least restrictive manner, and to keep as many people off the registry as possible, when they pose no danger to us. If it doesn't get done now, it likely will never been accomplished. More than 15 public acts have addressed sex offenders since 1982, and every one of them added some new restriction or law. The door only seems to swing one way, and this opportunity should not be taken lightly.

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